

REMARKS

Claims 1-16 are pending in the application.

In the Office Action dated July 11, 2005, claims 1, 2, 6, 7, 9 and 10 were rejected under 35 U.S.C. §102(b) as anticipated by Handford, U.S. Patent No. 5,328,297. Claims 11-16 were allowed and claims 3-5 and 8 were objected to as depending from a rejected claim, but deemed allowable if rewritten in independent form. Claim 13 was objected to due to an informality and is hereby amended to correct the error.

Applicant respectfully traverses the rejection of claims 1, 2, 6, 7, 9 and 10 based on the Handford reference. Handford discloses an apparatus (10) for the trenchless replacement of a pipe including a frame section and an extendable leg member (14) on the frame section that extends into a service pit (22) with a support member provided on the leg. The support member (18) supports the leg member against the inside of the service pit. The apparatus includes a cable guide member (16) on the leg member for guiding a cable (36) extending through a pipe section to be replaced. A winch (30) is provided on the frame section for exerting a pulling force on the pulling cable. (Handford, abstract, Figure 1). Handford discloses that the apparatus (10) includes a frame (24) with brackets (26) that enable the apparatus to be connected to the lifting arms (28.1) of a front end loader (28) and lowered into a service pit (22). (col. 2, lines 37-54, col. 4, lines 25-37, Figure 1).

In rejecting claim 1, the Office Action stated:

“Handford discloses a portable winch comprising: a mounting frame 28 positionable at a top opening of a hole 22; a telescoping mast 14 including a plurality of hollow, nested, top and bottom mast sections (14.1, 14.2, etc); a mounting assembly by which the top mast section is secured to the mounting frame; a powered winch 30 unit mounted to the frame, including a drive unit and cable 36, positioned so that the cable can be fed into the telescoping mast; and mechanical means 28.1 connected to the frame 28 for raising and lowering the mast 14 into and out of the hole 22 by collapsing the telescoping mast while it is secured to the frame.”

Applicant respectfully submits that the front end loader 28 disclosed in the Handford reference cannot reasonably be characterized as a “frame” within the meaning of claim 1. Claim 1 specifies a powered winch unit mounted on the frame and mechanical means connected to the frame for raising and lowering the mast into and out of the hole by collapsing and uncollapsing the telescoping mast. There is no such powered winch or mechanical means mounted on loader 28 of the Handford reference; consequently, the loader is not a frame within the meaning of claim 1.

While claims are to be given the broadest reasonable interpretation, that interpretation must also be consistent with the specification and with the interpretation that those skilled in the art would reach. MPEP §2111. Claim terms are presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art. MPEP §2111.01. One of ordinary skill in the art would not consider the front end loader of the Handford reference a “frame” within the meaning of claim 1. Construing front end loader 28 as a frame is also inconsistent with the Handford reference which clearly distinguishes between the frame 24 disclosed therein and front end loader 28:

.... A winch assembly 12 of the apparatus 10 includes a rectangular framework 24 made up of side members 24.1, 24.2, 24.3, 24.4, 24.5, 24.6 and 24.7 of suitable channel sections. A pair of brackets 26 are provided for attaching frame 24 to the lifting arms 28.1 of a mechanical loader or front loader 28. (Col. 2, lines 37-44, Figures 1, 2A-C). A winch 30 is mounted on the frame 24. The winch 30 includes a hydraulic motor 31 and a cable guide pulley 32 which is provided on a pair of raised side members 33. (Col. 2, lines 54-57).

Even assuming *arguendo* that front end loader 28 is a “frame” (which is not), and arms 28.1 of the front end loader could possibly be construed as “means for raising and lowering the mast,” the reference does not anticipate claim 1 for at least two reasons. First, there is no power winch assembly mounted on the front end loader 28 of the Handford reference. Rather, the Handford reference discloses that the winch 30 is mounted on frame 24, not on loader 28. Since claim 1 specifies a powered winch *mounted on the frame*, loader 28 of the Handford reference does not meet the limitation.

Second, the Handford reference does not disclose mechanical means connected to the frame for raising and lowering the mast into and out of the hole by collapsing and uncollapsing the telescoping mast as specified in claim 1. Arms 28.1 of loader 28 do not raise and lower leg assembly 14 by collapsing and uncollapsing the assembly. Rather, the Handford reference discloses: “[i]n operation, the arms 28.1 of a front loader or skid steer loader 28 is coupled to the brackets 26 or to the quick attach skid. The laterals replacement assembly 10 is then lowered into the service pit 22 by means of the front loader 28 and adjusted to the required depth by means of the telescopic leg assembly 14.” (col. 4, lines 25-30). The Handford reference discloses the process of collapsing and uncollapsing leg assembly 14 as follows:

In order to lock the members 14.1 and 14.2 in different relative positions, a longitudinally spaced series of holes 14.3 is provided in the member 14.2 and a hole 14.4 is provided in the member 14.1 which corresponds with the holes 14.3 in the member 14.2 at a series of different relative positions of the members 14.1 and 14.2. A locking pin (not shown) is also provided. Adjustment of the members 14.1 and 14.2 is effected by removing the locking pin, sliding the members 14.1 and 14.2 relative to each other to set the leg assembly 14 at a desired length and replacing the locking pin to extend through the corresponding holes (14.3, 14.4) in the members 14.1 and 14.2 to lock them together. (col. lines 4-16).

Arms 28.1 of loader 28 of Handford do not perform this function. In fact, the Handford reference does not disclose *any* mechanical means for sliding members 14.1 and 14.2 relative to each other.


In summary, the Handford reference does not anticipate claim 1 of the present application because a front end loader is not a frame within the meaning of the claim. Even if front end loader 28 were construed to be a frame, which is not, there is no powered winch assembly mounted on the loader. Further, the Handford reference does not teach, suggest or disclose mechanical means mounted on either loader 28 or frame 24 for raising and lowering a mast by collapsing and uncollapsing the mast as recited in claim 1. Absent such teaching or disclosure, Handford cannot anticipate claim 1. MPEP §2131 (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”).

In view of the foregoing, Applicant respectfully submits that independent claim 1 along with claims 2-10, depending directly or indirectly from claim 1, are allowable over the art of record.

Applicant has made an earnest attempt to place the case in condition for allowance.

Favorable action and passage of the case to issue are respectfully requested. It is believed that no other fees are due. If this is incorrect, please charge any required fees to Deposit Account No. 50-1588.

Respectfully submitted,



Edward Jorgenson
Registration No. 34,194

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PHILIP G. MEYERS LAW OFFICE
1009 Long Prairie Road, Suite 300
Flower Mound, Texas 75022
(972) 691-8081 - telephone
(972) 874-2983 - fax